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EXAMINER	
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ART UNIT	PAPER NUMBER
2439	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/796,214	NAKANO ET AL.	
	Examiner	Art Unit	
	KARI L. SCHMIDT	2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/22/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

This communication is in response to the amendment filed on 10/28/2010. Claims 43-60 are pending in the application. Claims 43-44, 46-48, 52-53, and 55-58 have been amended.

Response to Arguments

Applicant's arguments with respect to claims 43-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 43-45, 51-52, and 55-58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ansell et al. (US 6,367,019 B1) in view of Moribe et al. (US 5,886,979) and Wu (US 7,162,646 B2) and Ogura (US 7,434,266 B2).

Claim 43 and 52, 55-58

Ansell discloses a recording apparatus for recording encrypted content onto a recording medium having a read-only unrewritable area and a rewritable area to which data can be recorded and from which data can be read (see at least, col. 6, lines 8-28: the

examiner notes “a serial number which cannot be overwritten” is interpreted to be a read-only unrewritable area of a compact disc or dvd (see col. 5, lines 20-46) which contains a rewritable area to store a number of SPTs (e.g. digital content) (see col. 5, lines 20-46) and col. 7, line 65-col. 8, line 5 and FIG. 1 the examiner notes the recording apparatus (player 110)), the recording apparatus being one component of a digital work protection system including a plurality of reproduction apparatuses that each attempt to decrypt the encrypted content recorded onto the recording medium (see at least, col. 7, line 65-col. 8, line 5 and FIG. 1 the examiner notes the recording apparatus (player 110) and the reproduction apparatus (portable player 150) which are used to decrypt the encrypted SPTs), the recording apparatus comprising: a storage unit operable to store a piece of key revocation data that includes a plurality of encrypted media keys (see at least, col. 6, lines 29-50 and col. 10, lines 29-55: the examiner notes the reproduction apparatus (player 110) has the ability to read from a storage unit (see col. 6, lines 48-50) that is operable to store (e.g. found in the portable player) a plurality of unrevoked encrypted media key (e.g. storage key) (see FIG. 5) which in encrypted by the portable players public key (e.g. device key) (see col. 10, lines 29-40)); a content encrypting unit operable to encrypt the content, based on a content key, to generate the encrypted content, the content being a piece of digital data (see at least, col. 7, lines 7, lines 38-48: the examiner notes the media master key (e.g. content key) encrypts the digital content (e.g. SPTs)); a key encrypting unit operable to generate an encrypted content key by encrypting the content key based on generated media key (see at least, col. 7, lines 14-48: the examiner notes the content key (e.g. media key) is encrypted by the

media key (e.g. storage key)); and a writing unit operable to record the encrypted content, the encrypted content key, and the piece of key revocation data stored in the storage unit onto the rewritable area of the recording medium, the encrypted content, the encrypted content key, and the piece of key revocation data being recorded onto the rewritable area of the recording medium (see at least, col. 5, lines 46-col. 6, lines 65: the examiner notes the encrypted content is written to the disc (see col. 5, lines 19-45) and further the encrypted content key (e.g. encrypted media key) is written to the disc as found in the header and a piece of the key revocation data (e.g. storage key identification field) is written to disc as found in the header). Further Ansell dislcoses [Claim 52] wherein the recording medium includes another piece of key revocation data including another set of encrypted media keys (see at least, FIG 4: the examiner notes multiple bindings can exist therefore be played on more than on player (e.g. portable player and an external player)).

Ansell fails to disclose a device key storage unit operable to store a device key assigned to the recording apparatus; a storage unit operable to store each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses; a comparing unit operable to confirm whether or not the piece of key revocation data exists in the rewritable area of the recording medium, the confirmation being made when content is to be recorded onto the recording medium; and a key encrypting unit operable, when the comparing unit confirms that the piece of key revocation data does not exist in the rewritable area

of the recording medium, to (i) obtain an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generate a media key by decrypting the obtained encrypted media key with the device key stored in the device key storing unit.

However Moribe discloses a comparing unit operable to confirm whether or not the piece of key revocation data exists in the rewritable area of the recording medium, the confirmation being made when content is to be recorded onto the recording medium (see at least, col. 10, lines 19-33: the examiner notes judging whether or not identification information is recorded into the medium (e.g. includes rewritable area) and proceeding with recording if it not recorded (step s22)). Further the examiner interprets that the Moribe disclosure would include if no media key is present allowing for data (e.g. encrypted content, encrypted content key, and piece of media key) to be recorded to the medium if no identification information is found (see col. 10, lines 19-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell to include an comparing unit operable to confirm whether or not the piece of key revocation data exists on the recording medium, the confirmation being made when content is to be recorded onto the recording medium as taught by Moribe. One of ordinary skill in the art would have been motivated to combine the teachings in order to prevent the analysis and information copied, illegally, from a genuine product to be used in creating an illegal copy (see at least, Moribe, col. 2, lines 17-24).

Ansell in view of Moribe fails to disclose a device key storage unit operable to store a device key assigned to the recording apparatus; a storage unit operable to store each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses; and a key encrypting unit operable, when the comparing unit confirms that the piece of key revocation data does not exist in the rewritable area of the recording medium, to (i) obtain an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generate a media key by decrypting the obtained encrypted media key with the device key stored in the device key storing unit.

However discloses Wu discloses a device key storage unit operable to store a device key assigned to the recording apparatus (see at least, col. 1, lines 56-67); a storage unit operable to store each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses (see at least, col. 1, lines 56-67: the examiner notes a centralized key management system would contain the plurality of devices keys assigned to unrevoked apparatuses and a plurality of encrypted media keys based from the device key (see col. 3, lines 11-59)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell in view of Moribe to include

discloses a device key storage unit operable to store a device key assigned to the recording apparatus (see at least, col. 1, lines 56-67); a storage unit operable to store each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses as taught by Wu. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide by ensuring the privacy and security of data stored in the disk (see at least, col. 4, lines 2-3).

Ansell in view of Moribe and Wu fail to disclose a key encrypting unit operable, when the comparing unit confirms that the piece of key revocation data does not exist in the rewritable area of the recording medium, to (i) obtain an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generate a media key by decrypting the obtained encrypted media key with the device key stored in the device key storing unit.

However Ogura discloses (ii) generate a media key by decrypting the obtained encrypted media key with the device key stored in the device key storing unit, and (iii) generate an encrypted content key by encrypting the content key based on the generated media key (see at least, abstract: the examiner notes and claim 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu to include (ii) generate a media key by decrypting the obtained encrypted media key with

the device key stored in the device key storing unit, and (iii) generate an encrypted content key by encrypting the content key based on the generated media key taught by Ogure by utilizing a key encrypting unit operable (see Ansell above), when the comparing unit confirms that the piece of key revocation data does not exist in the rewritable area of the recording medium (see Moribe above), to (i) obtain an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked (see Wu above) to thereby utilize the teachings of Ogura via predictable modification to obtain a generated media key. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an encrypted recording medium on which data has been recorded to thereby enforce suppression of the encrypted data if needed (see at least, col. 1, lines 5-10 and col. 2, lines 36-51).

Claim 44

Ansell discloses wherein the key encrypting unit encrypts the content key based on the generated media key obtained from the piece of key revocation data stored in the storage unit, to generate the encrypted content key (see at least, col. 7, lines 14-48: the examiner notes the content key (e.g. media key) is encrypted by the media key (e.g. storage key)) and wherein the writing unit records the encrypted content, the encrypted content key and the piece of key revocation data stored in the storage unit to the rewritable area of the recording medium (see at least, col. 5, lines 46-col. 6, lines 65: the examiner notes the encrypted content is written to the disc (see col. 5, lines 19-45)

and further the encrypted content key (e.g. encrypted media key) is written to the disc as found in the header and a piece of the key revocation data (e.g. storage key identification field) is written to disc as found in the header).

Ansell fails to disclose the comparing unit confirms whether or not (i) a piece of key revocation data having a generation that is the same as a generation of the piece of key revocation data stored in the storage unit, or (ii) a piece of key revocation data having a generation that is different from the generation of the piece of key revocation data stored in the storage unit, exists on the recording medium.

However Moribe discloses an comparing unit operable to confirm whether or not the piece of key revocation data exists on the recording medium, the confirmation being made when content is to be recorded onto the recording medium (see at least, col. 10, lines 19-33: the examiner notes judging whether or not identification information is recorded into the medium and proceeding with recording if it not recorded (step s22)). Further the examiner interprets that the Moribe disclosure would include confirming that no media key exists on the recorded medium, and therefore would read on confirms whether or not (i) a piece of key revocation data having a generation that is the same as a generation of the piece of key revocation data stored in the storage unit, or (ii) a piece of key revocation data having a generation that is different from the generation of the piece of key revocation data stored in the storage unit, exists on the recording medium.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell to include an comparing unit operable to confirm whether or not the piece of key revocation data exists on the

recording medium, the confirmation being made when content is to be recorded onto the recording medium as taught by Moribe. One of ordinary skill in the art would have been motivated to combine the teachings in order to prevent the analysis and information copied, illegally, from a genuine product to be used in creating an illegal copy (see at least, Moribe, col. 2, lines 17-24).

Claim 45

Ansell fails to disclose wherein the comparing unit confirms whether or not either of (i) the piece of key revocation data having the generation that is the same as the generation of the piece of key revocation data stored in the storage unit and (ii) the piece of key revocation data having the generation that is different from the generation of the piece of key revocation data stored in the storage unit, exist in the rewritable area of the recording medium.

However Moribe discloses an comparing unit operable to confirm whether or not the piece of key revocation data exists on the recording medium, the confirmation being made when content is to be recorded onto the recording medium (see at least, col. 10, lines 19-33: the examiner notes judging whether or not identification information is recorded into the medium and proceeding with recording if it not recorded (step s22)). Further the examiner interprets that the Moribe disclosure would include confirming that no media key exists on the recorded medium, and therefore would read on confirms whether or not (i) the piece of key revocation data having the generation that is the same as the generation of the piece of key revocation data stored in the storage unit

and (ii) the piece of key revocation data having the generation that is different from the generation of the piece of key revocation data stored in the storage unit, exist in the rewritable area of the recording medium

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell to include an comparing unit operable to confirm whether or not the piece of key revocation data exists on the recording medium, the confirmation being made when content is to be recorded onto the recording medium as taught by Moribe. One of ordinary skill in the art would have been motivated to combine the teachings in order to prevent the analysis and information copied, illegally, from a genuine product to be used in creating an illegal copy (see at least, Moribe, col. 2, lines 17-24).

Claim 51

Ansell discloses wherein the piece of key revocation data stored in the storing unit further includes a first data identifier that identifies the piece of key revocation data stored in the storing unit (see at least, col. 5, lines 46-col. 6, lines 65: the examiner notes a piece of the key revocation data (e.g. storage key identification field) is written to disc as found in the header)., wherein the writing unit (i) records the first data identifier and the encrypted content to the rewritable area of the recording medium such that the first data identifier and the encrypted content are in correspondence, and (ii) records the piece of key revocation data including the first data identifier to the rewritable area of the recording medium (see at least, col. 5, lines 46-col. 6, lines 65:

the examiner notes the header file shows the correspondence of the data identifier and the encrypted content on the medium).

Claim 46-50 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ansell et al. (US 6,367,019 B1) in view of Moribe et al. (US 5,886,979) and Wu (US 7,162,646 B2) and Ogura (US 7,434,266 B2) as applied to claim 44 and other claims as noted above, and further in view of Lotspiech (US 6,609,116 B1).

Claim 46 and 47

The examiner notes that Ansell in view of Moribe and Wu and Ogura disclose wherein the comparing unit compares that either of (i) the piece of key revocation data having the generation that is the same as the generation of the piece of key revocation data stored in the storage unit and (ii) the piece of key revocation data having the generation that is different from the generation of the piece of key revocation data stored in the storage unit, exist on the recording medium (as noted in claim 44 above) however Ansell in view of Moribe and Asano fails to disclose a comparing unit operable to compare the piece of key revocation data recorded on the recording medium with the piece of key revocation data stored in the storage unit to judge which of the piece of the key revocation data stored in the recording medium and the piece of key revocation data stored in the storage unit is newer and an updating unit operable to update the piece of key revocation data stored in the storage unit and when the comparing unit

judges that the piece of key revocation data recorded on the recording medium is newer, the updating unit reads the piece of key revocation data from the recording medium and updates the piece of media data stored in the storage unit with the piece of key revocation data read from the recording medium.

However Lotspiech discloses comparing unit operable to compare the piece of key revocation data recorded on the recording medium with the piece of key revocation data stored in the storage unit to judge which of the piece of the key revocation data stored in the recording medium and the piece of key revocation data stored in the storage unit is newer (see at least, col. 5, lines 26-34: the examiner notes the use of levels and age for seeing if a key is newer) and an updating unit operable to update the piece of key revocation data stored in the storage unit and when the comparing unit judges that the piece of key revocation data recorded on the recording medium is newer (see at least, col. 6, lines 35-55: the examiner notes the use of the “newer media” key to encrypt data when it is judged whose key level is higher which written to the media (e.g. player-recorder)), the updating unit reads the piece of key revocation data from the recording medium and updates the piece of media data stored in the storage unit with the piece of key revocation data read from the recording medium (see at least, col. 6, lines 35-55: the examiner notes the use of the “newer media” key to encrypt data when it is judged whose key level is higher which written to the media (e.g. player-recorder)). Further the examiner notes if it is judged older it has no effect on whether Ansell in view of Moribe would still perform encrypting the content key with the media key and write the encrypted content key onto the medium, therefore the examiner notes Lotspiech

discloses a comparison and Ansell in view of Moribe discloses encrypting and writing (as found in claim 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu and Ogura to include a comparing unit operable to compare the piece of key revocation data recorded on the recording medium with the piece of key revocation data stored in the storage unit to judge which of the piece of the key revocation data stored in the recording medium and the piece of key revocation data stored in the storage unit is newer and an updating unit operable to update the piece of key revocation data stored in the storage unit and when the comparing unit judges that the piece of key revocation data recorded on the recording medium is newer, the updating unit reads the piece of key revocation data from the recording medium and updates the piece of media data stored in the storage unit with the piece of key revocation data read from the recording medium as taught by Lotspiech. One of ordinary skill in the art would have been motivated to combine the teachings to account for the presence of compromised or pirate devices and protect the data on medium by utilizing new media keys (see at least, Lotspiech, col. 1, lines 53-58).

Claim 48

Ansell discloses further comprising: a reading unit operable to read the encrypted content key from the rewritable area of the recording medium see at least, col. 7, lines 14-47); and a content key decrypting unit operable to decrypt the read encrypted

content key based on the generated media key to generate the content key, and wherein the key encrypting unit further encrypts the content key generated by the content key decrypting unit, based on the media key obtained from the piece of key revocation data stored in the storage unit, to generate the encrypted content key, and wherein the writing unit further records the encrypted content key to the rewritable area of the recording medium (see at least, col. 7, lines 14-47: the examiner notes the transfer from an external player to a portable player would require encrypting decrypting and encrypting of the media key).

Further as noted in claim 43 Ogura discloses (i) obtain an encrypted media key corresponding to the recording apparatus from the plurality of encrypted media keys stored in the storage unit, when the recording apparatus is not revoked, (ii) generate a media key by decrypting the obtained encrypted media key with the device key stored in the device key storing unit.

Claim 49 and 53

Ansell in view of Moribe and Wu and Ogura fails to disclose wherein the piece of key revocation data stored in the storing unit includes a first piece of version information indicating the generation of the piece of key revocation data stored in the storing unit, wherein the piece of key revocation data recorded on the recording medium includes a second piece of version information indicating the generation of the piece of key revocation data recorded on the recording medium, and wherein the comparing unit judges which of, (i) the piece of key revocation data stored in the storing unit and (ii) the

piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of version information with the second piece of version information.

However Lotspiech discloses wherein the piece of key revocation data stored in the storing unit includes a first piece of version information indicating the generation of the piece of key revocation data stored in the storing unit, wherein the piece of key revocation data recorded on the recording medium includes a second piece of version information indicating the generation of the piece of key revocation data recorded on the recording medium (see at least, col. 5, lines 26-34: the examiner notes the use of levels to represent the version information of the media key), and wherein the comparing unit judges which of, (i) the piece of key revocation data stored in the storing unit and (ii) the piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of version information with the second piece of version information (see at least, col. 6, lines 35-46: the examiner notes the use of levels (e.g. version information) to judge if the media key is newer)..

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu and Ogura to include wherein the piece of key revocation data stored in the storing unit includes a first piece of version information indicating the generation of the piece of key revocation data stored in the storing unit, wherein the piece of key revocation data recorded on the recording medium includes a second piece of version information indicating the generation of the piece of key revocation data recorded on the recording medium, and wherein the comparing unit judges which of, (i) the piece of key revocation

data stored in the storing unit and (ii) the piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of version information with the second piece of version information as taught by Lotspiech. One of ordinary skill in the art would have been motivated to combine the teachings to account for the presence of compromised or pirate devices and protect the data on medium by utilizing new media keys (see at least, Lotspiech, col. 1, lines 53-58).

Claim 50 and 54

Ansell in view of Moribe and Wu and Ogura fails to disclose wherein the piece of key revocation data stored in the storing unit includes a first piece of time information indicating a time at which the piece of key revocation data stored in the storing unit was generated, wherein the piece of key revocation data recorded on the recording medium includes a second piece of time information indicating a time at which the piece of key revocation data recorded on the recording medium was generated, and the comparing unit judges which of, (i) the piece of key revocation data stored in the storing unit and (ii) the piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of time information with the second piece of time information.

However Lotspiech discloses wherein the piece of key revocation data stored in the storing unit includes a first piece of time information indicating a time at which the piece of key revocation data stored in the storing unit was generated, wherein the piece of key revocation data recorded on the recording medium includes a second piece of time information indicating a time at which the piece of key revocation data recorded on

the recording medium was generated (see at least, col. 5, lines 26-34: the examiner notes a “32” bit unit that represents the age (date and time) of a media key), and the comparing unit judges which of, (i) the piece of key revocation data stored in the storing unit and (ii) the piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of time information with the second piece of time information (see at least, col. 6, lines 35-46: the examiner notes the use of age judge if the key is newer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu and Ogura to include wherein the piece of key revocation data stored in the storing unit includes a first piece of time information indicating a time at which the piece of key revocation data stored in the storing unit was generated, wherein the piece of key revocation data recorded on the recording medium includes a second piece of time information indicating a time at which the piece of key revocation data recorded on the recording medium was generated, and the comparing unit judges which of, (i) the piece of key revocation data stored in the storing unit and (ii) the piece of key revocation data recorded on the recording medium, is newer by comparing the first piece of time information with the second piece of time information as taught by Lotspiech. One of ordinary skill in the art would have been motivated to combine the teachings to account for the presence of compromised or pirate devices and protect the data on medium by utilizing new media keys (see at least, Lotspiech, col. 1, lines 53-58).

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over over Ansell et al. (US 6,367,019 B1) in view of Moribe et al. (US 5,886,979) and Wu (US 7,162,646 B2) and Ogura (US 7,434,266 B2) as applied to claim 44 above, and further in view of Examiner's Official Notice.

Claim 59

Ansell in view Moribe and Wu and Ogura disclose a comparing unit operable to confirm whether or not the piece of key revocation data exists on the recording medium (see claim 1). *Further the examiner notes based on the 112, first and second rejections the examiner has interpreted it to be a unit that can judge if data exists.*

Ansell in view of Moribe and Asano and Wu and Ogura fail to disclose a comparing unit judges that the piece of key revocation data recorded on the recording medium is not newer, the updating unit does not read the piece of key revocation data from the recording medium and does not update the piece of media data stored in the storage unit with the piece of key revocation data read from the recording medium.

The examiner takes Official Notice that it is old and well known in the arts to have a comparing unit that can compare data to see if the data contains a given time stamp and bases a decision to update based on the given time stamp (e.g. the examiner notes during an update process if a configuration file is not the newest file (e.g. driver) the software may not be able to update until the file is replaced with a newer version).

It would have been obvious to one of ordinary skill at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu and Ogura to include the features as taught by the Examiner's Official Notice for the purpose of making sure that a given piece of software will only be installed if a system and its files can support it.

Claim 60

Ansell in view of Moribe and Wu and Ogura fail to disclose wherein the piece of key revocation

data recorded by the writing unit includes one encrypted media key corresponding to the recording apparatus and includes other encrypted media keys corresponding to the unrevoked apparatuses except the recording apparatus.

The examiner takes Official Notice that it is old and well known in the arts to have revocation data include key's of any (e.g. recording/playback apparatus) revoked and unrevoked devices.

It would have been obvious to one of ordinary skill at the time the invention was made to modify the teachings of Ansell in view of Moribe and Wu and Ogura to include the features as taught by the Examiner's Official Notice for the purpose of ensuring only the correct devices are permitted access.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARI L. SCHMIDT whose telephone number is (571) 270-1385. The examiner can normally be reached on Monday - Friday: 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kari L Schmidt/
Examiner, Art Unit 2439

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439